IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL W.P.NO.1141 OF 2001
IN
CRI.CASE NO.811 OF 1999

M/s.Associated Road Carriers
Ltd. and Ors. ..Petitioners
Vs.
Shri.V.S.Kurup & Anr. ..Respondents

...
Mr.K.K.Tated Advocate for Petitioners
Mr.Vinod Sharma for Respondent nos.2 and 3
None for respondent no.1
Ms.S.V.Gajare A.P.P. for State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 13, 2005

P.C.

1. Heard the learned advocate for the petitioners, learned advocate for the respondent nos.2 and 3 and the learned A.P.P. for the State. None appears for the respondent no.1 though served.

2. The petitioners are seeking quashing of process issued by the learned Judicial Magistrate, F.C. at Bhiwandi, Dist.Thane in C.C.No.811 of 1999. In the said case process was issued against the petitioners under Sections.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the stay granted by this Court is extended upto 30.11.2005.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]